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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,367	11/10/2000	Robert E. Haines	10008371-1	5503

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

LEE, TOMMY D

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/710,367

Applicant(s)

HAINES ET AL.

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,12-14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2-4,9-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 5-8, 12-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,167,322 (Yano et al.) in view of U.S. Patent 6,023,593 (Tomidokoro).

Regarding claim 1, Yano et al. disclose an apparatus operable to configure an image forming device comprising: an interface configured to couple with an image forming device configured to use an imaging consumable to form hard images, the image forming device being initially configured (coupling between plural copying machines provided by bus lines (column 4, lines 46-49); non-volatile RAM provided in a

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computer of one of the copying machines stores initial variable (column 4, lines 50-59)); and processing circuitry configured to communicate with the image forming device using the interface to configure the image forming device (keyboard provided in one of the copying machines for user to indicate parameters from any of the copying machines to be displayed (column 4, lines 11-19), selective viewing of only certain parameters or even only one parameter at a time (column 4, lines 4-10) suggest replacement of initial variable with another variable).

The copying machines disclosed in Yano et al. are not configured *to cause the formation of an initial one of a plurality of consumable order assist functions with respect to replenishment of the imaging consumable within the image forming device and responsive to a status of the imaging consumable within the image forming device; and to cause the formation of another one of the consumable order assist functions with respect to replenishment of the imaging consumable within the image forming device and responsive to the status of the imaging consumable within the image forming device*, as the disclosure is not concerned with communicating orders for replenishing consumables such as copy sheets or toner. Tomidokoro discloses a consumable item supplying system, wherein upon receipt of a polling signal from a data communication apparatus, one of a plurality of copiers outputs a signal corresponding to consumables which need to be replenished, for transmission to a consumable item supplier via a central control device (read Abstract; column 6, lines 44-67). Tomidokoro, in response to the polling signal, automatically transmits a consumable order request when a consumable needs to be replenished, thereby relieving a user of the responsibility of

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having to create and transmit such a request when a shortage of a consumable is detected at one of the copiers, which would be necessary in Yano et al. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Yano et al. by providing a means for enabling a copying machine to create and transmit a consumable order request in the manner disclosed in Tomidokoro.

Regarding claim 5, the processing circuitry disclosed in Yano et al. is configured to write a variable to the image forming device to configure the image forming device (keyboard used for changing variables of copying machine (column 4, lines 15-19).

Regarding claim 6, one of the copying machines disclosed by Yano et al. receives parameter information from each of the other copying machines through bus lines (column 4, lines 42-49). In order to receive such information, the receiving copying machine must inherently use some type of "remote query language" for inquiring the information from the other copying machines, which are remote from the receiving copying machine.

Regarding claim 7, the imaging circuitry disclosed in Yano et al. comprises printer circuitry to print hard images upon media (copying machine includes printer (column 4, lines 62-65) with inherent printer circuitry).

Regarding claims 14 and 18-20, these claims are "method" claims corresponding to "apparatus" claims 1 and 5-7, respectively. The method steps are performed by the elements found in the combined teaching of Yano et al. and Tomidokoro, as set forth above.

Regarding claims 8, 12 and 13, these claims are "article of manufacture" claims corresponding to "method" claims 14, 18 and 19, respectively, with a processor-readable medium having processor-usable code embodied therein and configured to cause processing circuitry to perform the method steps. While not disclosed in either Yano et al. or Tomidokoro, it is well known in the art to provide a computer program on a processor-readable medium having processor-usable code for performing processing steps in general, and it would have been obvious for one of ordinary skill in the art to provide a computer program for performing the steps suggested in the combined teaching of Yano et al. and Tomidokoro, so that the processing steps may be performed by a computer.

***Allowable Subject Matter***

4. Claims 2-4, 9-11 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest the discovering of the existence, identity, or an initial variable of an image forming device, as recited in the above claims, in combination with the configuration of the image forming device to cause the formation of another one of consumable order assist functions, as recited in base claims 1, 8 and 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-

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4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee  
Primary Examiner  
Art Unit 2624

tdl  
June 10, 2004